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November 22, 2021

Hon. Nelson S. Román
United States District Court
Southern District of New York
The Hon. Charles L. Brieant Jr.
Federal Building and United States Courthouse
300 Quarropas St.
White Plains, NY 10601-4150

RE: Leonarda Reyes v. Costco Wholesale Corporation and Morris Builders, L.P.
Civil Action No.: 7:20-cv-10174-KMK-JCM

Your Honor:

The undersigned represents the defendants Costco Wholesale Corporation and Morris Builders, L.P. in the above-captioned matter. Marcelo Buitrago, Esq. represents the plaintiff.

The parties jointly request an extension of time to complete expert discovery in this matter, as described in further detail herein. In the event that the Court does not grant the parties' joint motion for an extension of discovery, then defendants separately request that this Court preclude plaintiff's expert from testifying at the time of trial.

The parties jointly request that the deadline for plaintiff's expert disclosures and depositions be extended from October 23, 2021 to January 21, 2022, and that the deadline for defendants' expert disclosures and depositions be extended from November 22, 2021 to February 22, 2022.

This is the second request for an extension of time to complete discovery. The reason for the foregoing request is that plaintiff did not serve plaintiff's expert disclosure until November 22, 2022, which is the current deadline for all discovery.

After receiving no expert disclosure from plaintiff by the original October 23, 2021 deadline, defendants timely disclosed their experts, Dr. Shawn Anthony, on November

10, 2021, and Dr. Marc Katzman, on November 12, 2021. Today, via email, plaintiff disclosed plaintiff's intent to call plaintiff's treating physician, Dr. Hugh S. Selznick, at the time of trial.

An extension of time is necessary so that defendants will not be prejudiced by plaintiff's belated disclosure. In particular, defendants would seek an opportunity to depose Dr. Selznick pursuant to Rule 26(b)(4)(A), as well as an opportunity for defendants' experts to supplement their reports to the extent it may be necessary following that deposition.

The parties have discussed the foregoing as a compromise that would adequately preserve defendants' rights to discovery while avoiding any more draconian results for plaintiff. However, in the event that the Court does not grant the parties' joint motion for an extension of discovery, then defendants would separately request that this Court preclude plaintiff's expert from testifying at the time of trial.

Thank you for your consideration in this regard.

Respectfully submitted,

**GIORDANO, GLAWS &
FENSTERMACHER, LLP**

Erica W. Fenstermacher, Esq.

By: Erica W. Fenstermacher

EWF/st

cc: Buitrago & Associates, PLLC

The Court is not inclined to grant this request, but will give Plaintiff an opportunity to explain the tardiness of expert disclosure in a letter due by 11/29/21.

So Ordered.



11/22/21